

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



March 1, 2002

ALL COUNTY LETTER NO. 02-23

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY AUDITORS AND TREASURERS

SUBJECT: DIRECT DEPOSIT OF  
PUBLIC ASSISTANCE BENEFITS

REFERENCE: All County Welfare Directors Letter dated 12/4/2000  
Senate Bill (SB) 962 (Chapter 795, Statutes of 2000)  
Manual Sections (M.S.) 25-301.13 through .152; 25-301.413, .451, .5 and  
.51; 25-302 and .32; 25-303, 303.1 and .2; 25-304, .1, .2 and .21; 25-305.21  
and .22; 25-306.3, .31, .62, .65, .712, .715, .723, .723, .812, .814, .9 and  
.94; 25-310.3; 25-330.9; 25-506; 44-302, .1, .2 and .3; 44-304.1, .32, .511,  
.512, .52 and .611 and HANDBOOK (a), and .7; 44-305.22, .222, .223,  
.224, .225, .23, .231 and .232; 44-325.52; 44-327, .24, .25 and .26; and  
80-310.c (12)

**REASON FOR THIS TRANSMITTAL**

- ☒ [ X ] State Law Change
- ☐ [ ] Federal Law or Regulation Change
- ☐ [ ] Court Order or Settlement Agreement
- ☐ [ ] Clarification Requested by One or More Counties
- ☒ [ X ] Initiated by CDSS

The purpose of this letter is to transmit proposed regulations and revisions for the direct deposit of public assistance benefits as mandated by SB 962 (Chapter 795, Statutes of 2000), which amended Section 11006.2 of the Welfare and Institutions Code. The proposed regulations and revisions provide for the direct deposit of public assistance payments as specified; including that the direct deposit of assistance payments shall be available to CalWORKs recipients in any county that offers a program of direct payroll deposit to some or all of their employees and that the CalWORKs recipient can request direct deposit at any time. The regulations are being adopted on an emergency basis and were effective December 1, 2001.

If you have any questions, please contact David Badal of the Program Integrity Branch at (916) 654-1405.

Sincerely,

***Original Document  
Signed by***

BRUCE WAGSTAFF  
Deputy Director  
Welfare To Work Division

c: CWDA  
CAAC

Attachments

## **REGULATION CHANGES**

M.S. 25-301.13 is being adopted to mandate that each county offering direct deposit by electronic funds transfer to some or all of its employees extend that option to public assistance recipients and applicants.

M.S. 25-301.131 is being adopted to provide a definition of “electronic funds transfer.”

M.S. 25-301.14 is being adopted to specify that recipients may request to have public assistance payments directly deposited into their account at a financial institution of their choice provided that such institution is a participant in the Automated Clearing House.

M.S. 25-301.141 is being adopted to provide a definition for the term public assistance payment.

M.S. 25-301.142 is being adopted to specify that payments made to a service provider for services rendered to a recipient may be made by electronic funds transfer.

M.S. 25-301.15, .151 and .152 are being adopted to provide a definition of “financial institution” and “account.”

M.S. 25-301.413 is being amended to delete the phrase “Aid warrants” and replace it with “Payments.”

M.S. 25-301.451 is being amended to conform to the name change of Aid to Families with Dependent Children (AFDC) to California Work Opportunity and Responsibility to Kids program (CalWORKs).

M.S. 25-301.5 and .51 are being amended to delete the word “warrant” and replace it with “public assistance payment.”

M.S. 25-302 (Title) is being amended to replace “Warrants” with “Public Assistance Payments.”

M.S. 25-302.3 is being adopted to define the procedure for reissuance of a public assistance payment if an electronic funds transfer is not completed.

M.S. 25-303 (Title) is being amended to add the term “Public Assistance” prior to “Payments.”

M.S. 25-303.1 is being amended to conform to the name change of Aid to Families with Dependent Children (AFDC) to California Work Opportunity and Responsibility to Kids (CalWORKs).

M.S. 25-303.2 is being amended to conform to the name change of Aid to Families with Dependent Children (AFDC) to California Work Opportunity and Responsibility to Kids (CalWORKs) and to delete the word “warrant” and replace it with the phrase “public assistance payment.”

M.S. 25-304 (Title) is being amended to add “or Authorization” and to replace “Warrants” with “Public Assistance Payments.”

M.S. 25-304.1 is being amended to add “or Authorization” and to replace “Warrants” with “Public Assistance Payments.”

M.S. 25-304.2 is being amended to add “or Authorization” and to replace “Warrants” with “Public Assistance Payments” and to restructure it as a sentence rather than as a title.

M.S. 25-305.21 is being amended to replace “warrant” with “public assistance payment.”

M.S. 25-305.22 is being amended to replace “warrant” with “public assistance payment” and to add “or authorized” after “endorsed.”

M.S. 306.3, .31, .62, .65, .712, .715, .723, .725, .812, .814, .9 and .94 are being amended to replace “warrant” with “public assistance payment,” delete “payment” after “grant”, replace “SDSS” with “CDSS,” and to add a revision date to two cited forms.

M.S. 25-310.3 is being amended to conform to the name change of Aid to Families with Dependent Children (AFDC) to California Work Opportunity and Responsibility to Kids (CalWORKs).

M.S. 25-330.9 is being amended to replace “warrants” with “public assistance payments” and “warrant” with “payment.”

M.S. 25-506 is being amended to replace “warrants” with “public assistance payments” and “warrant” with “payment,” delete the phrase “written for aid payments,” and replace “SDSS” with “CDSS.”

M.S. 44-302 is being adopted to mandate that the direct deposit of assistance payments be made available to CalWORKs recipients in all counties offering a program of direct payroll deposit to some or all of its employees.

M.S. 44-302.1 is being adopted to mandate that the CWD shall inform recipients and applicants of the direct deposit option at the time of application or redetermination.

M.S. 44-302.2 is being adopted to establish that the recipient can request the direct deposit option at any time.

M.S. 44-302.3 is being adopted to establish that a recipient shall be eligible for direct deposit for the duration of time that they are on aid.

M.S. 44-304.1 and .32 are being amended to conform to the name change of Aid to Families with Dependent Children (AFDC) to California Work Opportunity and Responsibility to Kids (CalWORKs).

M.S. 44-304.511, .512 and .52 are being amended to add direct deposit as a required benefit delivery methodology. In addition, the term “received” is being replaced with the phrase “available to the recipient” and the form CA 7 is replaced with the form CW 7.

M.S. 44-304.611 is being adopted to define the procedure for electronic fund transfer when a payment date falls on a holiday or a weekend.

M.S. 44-306.611(a) HANDBOOK is being adopted to provide an example for M.S. 44-306.611.

M.S. 44-304.7 is being amended to add language requiring that electronic fund transfer as well as warrant issuance applies to this section.

M.S. 44-305.22 is being amended to change “State Department of Social Services” to “California Department of Social Services.”

M.S. 44-305.222 is being amended to replace the word “warrant” with “payment”, to replace the phrase “placed in the” with the phrase “issued by”, to add the phrase “or by direct deposit electronic fund transfer”, and to replace the word “delivered” with the phrase “available to the recipient.”

M.S. 44-305.223 is repealed.

M.S. 44-304.224 is renumbered as M.S. 44-304.223 and the phrase “receive a warrant” is being replaced by the phrase “be provided a payment.” In addition, the word “his” is being replaced by the word “the.”

M.S. 44-305.225 and .226 are being renumbered to M.S. 44-305.224 and .225, respectively.

M.S. 44-305.23 is being amended to conform to the name change of Aid to Families with Dependent Children (AFDC) to California Work Opportunity and Responsibility to Kids (CalWORKs).

M.S. 44-305.231 is being amended to replace the word “place” with “issue”, to replace the phrase “warrant in the” with “aid payment”, and to add the phrase “forward the direct deposit electronic fund transfer.” In addition, the word “received” is replaced by the phrase “available to the recipient”, references to the form CA 7 are replaced with CW 7, the word “place” is replaced by “issue”, and the phrase “warrant in the mail” is replaced by “aid payment.”

MS 44-305.232 is being amended to add the phrase “or complete the second direct deposit electronic fund transfer” and to replace the word “received” with the phrase “available to the recipient.”

M.S. 44-325.52 is amended to delete the word “warrant.”

M.S. 44-327 is being amended to replace the phrase “payment of a warrant” with “a public assistance payment.”

M.S. 44-327.24 and .25 are being amended to add public assistance payments by direct deposit. The word warrant is deleted so that these sections are not specific to paper warrants. These sections are also amended to correct cross-references and to change the identification of the form CA 7 to CW 7.

M.S. 44-327.26 is being adopted to add an additional factor which may cause delay in payment and that the county shall immediately take action to reissue the payment at the earliest possible date.

M.S. 80-310c. (12) is being adopted to add the form CW 7 to the Forms Definitions.

Amend Sections 25-301.1, .413, .451, .5, and .51 to read:

25-301 AID AUTHORIZATION ACTION

25-301

- .1 All payments of aid or other actions affecting the aid status of a recipient or applicant for aid shall be authorized by completing and placing in line for processing authorization documents specified or approved by the Department, in accordance with instructions for their use. (Continued)
- .13 Each county treasurer is required to establish a program for direct deposit by electronic fund transfer of payments. This subsection shall apply in each county that offers a program for direct deposit by electronic fund transfer to some or all of its employees and the terms and conditions of the direct deposit shall be the same for employees and recipients.
- .131 An electronic fund transfer means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.
- .14 Any recipient eligible to receive a public assistance payment(s) may authorize their grant to be directly deposited by electronic fund transfer at the financial institution of his/her choice. The financial institution of recipient's choice must be a participant in the Automated Clearing House.
- .141 Public assistance payment means cash assistance provided to, or on behalf of, a person eligible for a public assistance program as provided for in Part 3, Division 9 of the Welfare and Institution Code. Public assistance payments include, but are not limited to, a warrant, electronic fund transfer, or check. Public assistance programs include, but are not limited to, the California Work Opportunity and Responsibility to Kids (CalWORKs) Program, the Refugee Resettlement Program-Refugee Cash Assistance Program, and Kinship Guardianship Assistance Payment (Kin-Gap) Program.
- .142 Payments to a service provider for services rendered to a recipient may be made by electronic fund transfer at the county's option. The services may include, but are not limited to, child care and foster care.
- .15 For purposes of Section 25-301, the following definitions apply:
- .151 Financial institution is defined as an institution, deposits of which are insured by a federal deposit insurance agency or instrumentality, or a private share insurance or guaranty arrangement including, but not limited to, banks, savings banks, savings associations, credit unions, and industrial loan companies.

.152 Account is defined as a demand deposit checking, savings or share draft account established primarily for personal, family or household purposes.  
(Continued)

.4 The following actions shall be authorized only by the director or the director's authorized delegate.

.41 Authorization to Commence Aid

Authorization to commence aid shall be processed as follows: (Continued)

.413 ~~Aid warrants~~ Payments and payrolls shall be run when the final group of documents is processed for inclusion in the master file. (Continued)

.45 Authorization After Death

.451 When an aid payment is authorized after death for a recipient of ~~AFDC~~ CalWORKs, Refugee Resettlement Program-Refugee Cash Assistance, Cuban-Haitian Entrant Program-Entrant Cash Assistance, or Refugee Demonstration Project Cash Assistance Program, for periods prior to the first of the month following his/her death, the normal authorization procedure in that particular county welfare department is utilized.

.5 Cancellation of a ~~Warrant~~ Public Assistance Payment

.51 A ~~warrant~~ public assistance payment to which a payee is not entitled and any voided ~~warrant~~ public assistance payment shall be cancelled by claiming the ~~warrant~~ public assistance payment on the payroll and offsetting the claim on the Cancellation Contra Roll. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063(a), 10553, 10554, and 11006.2, Welfare and Institutions Code; Section 4981(a)(2), Financial Code; and Section 1748.30(b), Civil Code.

Amend Section 25-302 to read:

25-302      REISSUANCE OF ~~WARRANTS~~ PUBLIC ASSISTANCE PAYMENTS      25-302  
REPORTED LOST, STOLEN, DESTROYED, OR LOST IN THE MAIL  
(Continued)

.3      Any public assistance payment made by an electronic fund transfer that was not completed due to, but not limited to, closed account, the failure of an electronic fund transfer, or the payment inadvertently went to the wrong account, shall be reissued in compliance with Government Code Sections 29850 through 29854.

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code.

Reference:            Sections 10553, 10554, and 11006.2, Welfare and Institutions Code; and Sections 29850, 29851, 29852, 29853, 29853.5, and 29854, Government Code.

Amend Section 25-303 to read:

25-303      PUBLIC ASSISTANCE PAYMENTS AFTER DEATH

25-303

- .1    If an eligible recipient in ~~an AFDC~~ CalWORKs, Refugee Resettlement Program-Refugee Cash Assistance, Cuban/Haitian Entrant Program-Entrant Cash Assistance, or Refugee Demonstration Project Cash Assistance Program case dies on, or after, the first day of the month, aid shall be paid for the full month in which the recipient died in accordance with MPP Section 44-207.3.
- .2    If ~~an AFDC~~ CalWORKs payee dies, see MPP Section 44-305.12. A ~~warrant~~ public assistance payment shall not become part of the payee's estate when a new payee is to be determined. Such instances shall include, for example, protective payments made to a substitute payee, and payments made to a legally appointed guardian or conservator.

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code.

Reference:        Sections 10063(a), 10553, 10554, and 11006.2, Welfare and Institutions Code.



Amend Section 25-304 to read:

25-304      ENDORSEMENTS OR AUTHORIZATION OF ~~WARRANTS~~      25-304  
PUBLIC ASSISTANCE PAYMENTS

- .1    ~~Warrants~~ Public assistance payments shall be endorsed or authorized by the payee except as provided in MPP Section 25-304.2.
- .2    ~~Warrants~~ Public assistance payments not ~~E~~ndorsed or authorized ~~P~~prior to the ~~D~~death of the ~~R~~recipient or ~~P~~payee.
  - .21    A ~~warrant~~ payment which has not been endorsed or authorized prior to death of the recipient shall be endorsed or authorized only by the duly appointed and qualified executor or administrator of the recipient's estate, or other persons authorized by law to receive monies otherwise due the decedent.

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code.

Reference:        Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

Amend Sections 25-305.21 and .22 to read:

25-305 PROTECTIVE PAYMENTS - ACCOUNTABILITY (Continued)

25-305

.2 Trust Funds

Counties establishing trust funds when CWD employees are selected as substitute payees shall comply with one of the following procedures:

- .21 A ~~warrant~~ public assistance payment shall be issued from the welfare disbursement fund to the substitute payee; endorsed or authorized by the substitute payee; deposited to the trust funds; and credited to the individual recipient's account;
- .22 If the substitute payee serves more than one recipient, a single ~~warrant~~ public assistance payment may be issued to cover the grants for all such recipients. In addition to meeting the requirements specified in Section 25-305.21, the ~~warrant~~ payment shall be accompanied by a list of case numbers, names, grant month, and amounts for each recipient, wherein the amount column total must agree with the ~~warrant~~ payment amount; (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

Amend Sections 25-306.3, .31, .62, .65, .712, .715, .723, .725, .812, .814, .9, and .94 to read:

25-306      VENDOR PAYMENTS - ACCOUNTABILITY AND REQUIREMENTS      25-306  
(Continued)

.3      Unexpended Balances of Aid

Any unexpended balance of authorized aid not encumbered by outstanding vendor orders, or not fully utilized upon completion of such orders, shall be paid to the recipient by a county ~~warrant~~ public assistance payment. If the recipient cannot be located, the unexpended balance shall be abated to federal, state, and county funds as applicable depending on the source of the aid funds at the time the funds were authorized.

.31      Such remaining funds shall be abated when the case is discontinued or when the ~~warrant~~ public assistance payment is claimed as a cancellation. (Continued)

.6      Welfare Disbursement Fund

Counties making vendor payments directly from the welfare disbursement fund shall meet the following criteria. (Continued)

.62      The unrestricted portion of the grant ~~payment~~ shall be paid by ~~warrant~~ a public assistance payment to the recipient; (Continued)

.65      Any unexpended balance following deductions for outstanding vendor orders shall be paid by ~~warrant~~ a public assistance payment to the recipient.

.7      Trust Funds and Trust Accounts

.71      Counties making vendor payments through use of trust funds shall meet the following criteria: (Continued)

.712      The unrestricted portion of the grant ~~payment~~ to the recipient shall be paid by ~~warrant~~ public assistance payment from the welfare disbursement fund; (Continued)

.715      Any unexpended balance in the account following deductions for outstanding vendor orders shall be paid by ~~warrant~~ public assistance payment to the recipient.

.72      Counties making vendor payments through use of a trust account within the welfare disbursement fund shall meet the following criteria: (Continued)

.723 The unrestricted portion of the grant payment to the recipient shall be recorded and disbursed by ~~warrant~~ public assistance payment through the trust account; (Continued)

.725 Any unexpended balance in the account following deductions for outstanding vendor orders shall be paid by ~~warrant~~ public assistance payment to the recipient.

.8 General Assistance Procedures

.81 Counties making vendor payments through General Assistance procedures shall meet the following criteria: (Continued)

.812 The unrestricted portion of the grant ~~payment~~ to the recipient shall be paid by ~~warrant~~ public assistance payment from the welfare disbursement fund; (Continued)

.814 Any unexpended balance in the account following deductions for outstanding vendor orders shall be paid by ~~warrant~~ public assistance payment to the recipient.

.9 Procedures Utilizing SCDSS Forms ABCD 278L, List of Authorizations to Start, Change or Stop Aid Payments (Rev. 9/99) and ABCD 278M, Authorizations to Start, Change or Stop Aid Payments (Rev. 11/93). (Continued)

.94 When all vendor bills for the month are received, a determination shall be made of the unexpended amount, if any, and paid by ~~warrant~~ public assistance payment to the recipient.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

Amend Section 25-310.3 to read:

25-310.3 AUTHORIZATION AFTER DEATH

25-310.3

If a recipient of ~~AFDC~~ CalWORKs, Refugee Resettlement Program-Refugee Cash Assistance, Cuban-Haitian Entrant Program-Entrant Caseh Assistance or Refugee Demonstration Project Cash Assistance Program dies, aid may be authorized after death for periods prior to the first of the month following his/her death.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063(a), 10553, and 10554, Welfare and Institutions Code.

Amend Section 25-330.9 to read:

25-330.9 ENCLOSURES WITH ~~WARARANTS~~ PUBLIC ASSISTANCE  
PAYMENTS

25-330.9

Enclosures mailed with ~~warrants~~ public assistance payments are restricted to those matters relating to the administration and the purpose of the program under which the ~~warrant~~ payment is issued.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

1) Amend Section 25-506 to read:

2) Posthearing - Amend Section 25-506 to read:

25-506      PARTICIPATION IN EXCEPTION ~~WARRANTS~~ PUBLIC ASSISTANCE      25-506  
PAYMENTS

For claiming of otherwise available federal and/or state participation, ~~warrants written for aid payments~~ public assistance payments must be payable to the payee as designated in the specific program regulations. (MPP Sections 44-305.12 and 45-301.1 and .2). Exception: In instances when the welfare trust account for the specific program has not been charged with the full cost of payment to which the recipient is eligible, and the funds are owed to an entity other than the recipient, a ~~warrant~~ public assistance payment warrant may be payable to such entity. ~~Warrants~~ Public assistance payments may also be issued to accomplish the transfer of funds between accounts where necessary to comply with SCDSS instructions. (Continued)

Authority Cited:      Sections 10553 and 10554, Welfare and Institutions Code.

Reference:              Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

Adopt new Section 44-302 to read:

44-302      PAYMENT BY DIRECT DEPOSIT

44-302

Notwithstanding Section 25-301, direct deposit of assistance payments must be made available to CalWORKs recipients in all counties that offer a program of direct payroll deposit to some or all of their employees.

- .1      The CWD shall notify recipients of the option to receive benefits by direct deposit at the time of application or redetermination.
- .2      The recipient can request at anytime to receive direct deposit.
- .3      The recipient shall be eligible for direct deposit for the duration they are on aid.

Authority Cited:    Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

Reference:          Section 11006.2, Welfare and Institutions Code.



Amend Sections 44-304.1, .32, .511, .512, .52, .61, and .7 to read:

44-304 AID PAYMENT SCHEDULES

44-304

.1 Forwarding of Warrants

When ~~an AFDC~~ a CalWORKs warrant is mailed, the envelope containing the warrant shall bear a statement that the warrant is not to be forwarded and that an address correction is requested (Welfare and Institutions Code Section 11006.4). (Continued)

.3 Changes in Frequency

Counties shall, when electing to change frequency of delivery: (Continued)

.32 Recipient Notification

Notify all recipients of ~~AFDC~~ CalWORKs in writing at least 30 calendar days prior to converting from one payment frequency to another. (Continued)

.5 Standard Delivery Dates

.51 Semimonthly Delivery

The county shall deliver ongoing payments as follows when the county has selected semimonthly delivery:

.511 First Warrant

The county shall place the first warrant in the mail or forward the first direct deposit electronic fund transfer in time to be ~~received~~ available to the recipient by the first day of the payment month unless the county received the completed CAW 7 ~~(Rev. 6/92)~~ after the tenth day prior to the end of the report month.

If the completed CAW 7 is received after the tenth day prior to the end of the report month, but on or before the first day of the payment month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be ~~received~~ available to the recipient by the first calendar day of the payment month if possible, but not later than the tenth calendar day of the payment month.

.512 Second Warrant

The county shall place the second warrant in the mail or forward the direct deposit electronic fund transfer in time to be ~~received~~ available to the recipient by the 15th calendar day of the payment month.

.52 Monthly Delivery

The county shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be ~~received~~ available to the recipient by the first calendar day of the payment month unless the completed CAW 7 is received after the tenth day prior to the end of the report month.

If the completed CAW 7 is received after the tenth day prior to the end of the report month, but on or before the first day of the payment month, the county shall not delay the payment and shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be received by the first day of the payment month if possible, but not later than the tenth day of the payment month.

.6 Exceptions to Standard Delivery Date

.61 Weekends/Holidays

(Continued)

.611

With respect to direct deposit electronic fund transfer, when a payment date falls on a weekend or holiday, funds shall be electronically transferred so that the funds are available to the recipient on the first day of that month.

HANDBOOK BEGINS HERE

(a) Example:

If the first of the month is on a Monday and Monday is a holiday, the direct deposit electronic fund transfer must be made on the prior Friday or Saturday (depending on the financial institution) to ensure that the funds are available to the recipient on the first of the month.

HANDBOOK ENDS HERE

.62 (Continued)

.7 Recipient Dies

If a warrant is cashed or a direct deposit electronic fund transfer is made, but the recipient subsequently dies or becomes ineligible for aid there is no right to recovery.

Authority Cited: Sections 10553; and 10554, Welfare and Institutions Code.

Reference: Sections 10063(a), 10553, 10554, 11006.2, 11251.3, 11453.2, 11455 and 17012.5, Welfare and Institutions Code; 45 CFR 206.10(a)(6)(D); 45 CFR 233.23; 45 CFR 233.29(a)-(d); 45 CFR 233.31(b)(4); 45 CFR 233.32; and Balderas v. Woods Court Order.

Amend Sections 44-305.22 et seq., .23, .231, and .232 to read:

44-305 AID PAYMENTS -- PAYEE AND DELIVERY (Continued)

44-305

.2 Alternate Payment System (Continued)

.22 Such an alternate payment system must receive written approval of the State California Department of Social Services before it may be implemented. The plan must provide that: (Continued)

.222 The aid ~~warrant~~ payment shall be ~~placed in the~~ issued by mail or by direct deposit electronic fund transfer in time to be ~~delivered~~ available to the recipient on the dates specified under Section 44-305.23.

~~.223 In the event that there is no mail delivery on the date specified for delivery of the aid payments, the warrant shall be delivered in accordance with the provisions of Section 44-304.61.~~

.224~~3~~ Upon changing aid payment periods for any recipient, the recipient shall ~~receive a warrant~~ be provided a payment for the prorated amount of aid for the interim period between the end of ~~his~~ the old payment period and the beginning of ~~his~~ the new payment period. The prorated payment shall be made on the old aid payment delivery date.

.225~~4~~ (Continued)

.226~~5~~ Upon approval of the plan by the state and the assignment of an applicant to an alternate payment period, the recipient shall be informed of ~~his~~ the payment period, budget period and dates he can expect his aid ~~warrant~~ payment.

.23 Aid payments to ~~AFDC~~ CalWORKs families residing in counties with approved semimonthly alternate payment systems shall be made in two installments during the payment period as follows:

.231 The county shall ~~place~~ issue the first ~~warrant in the~~ aid payment by mail or forward the direct deposit electronic fund transfer in time to be ~~received~~ available to the recipient by the first day of the assigned payment period, unless the county received the completed CAW 7 (Rev. 6/92) after the tenth day prior to the end of the assigned report period. If the CAW 7 is received after the tenth day prior to the end of the assigned report period, but on or before the first day of the assigned payment period, the county shall not delay the payment and shall ~~place~~ issue the first ~~warrant in the mail~~ aid payment in time to be ~~received~~ available to the recipient by the first day of the assigned payment period if possible, but not later than the tenth day of the assigned period.

.232 The county shall place the second warrant in the mail or complete the second direct deposit electronic fund transfer in time to be ~~received~~ available to the recipient by the 15th day of the assigned payment period. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063(a), 11006.2, and 11254, Welfare and Institutions Code; 45 CFR 233.29, 45 CFR 233.31(b)(4) and 45 CFR 233.32.

Amend Section 44-325.52 to read:

44-325      CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

.5      Cancellation or Reduction of the Second Installment of a Month's Aid Payment  
(Continued)

.52      Any cancelled ~~warrant~~ or reduced payment is subject to all notice requirements as  
outlined in Section 22-022.

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code.

Reference:        Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

Amend Sections 44-327, Introductory Paragraph, and .2 to read:

44-327 DELAYED PAYMENT

44-327

When ~~payment of a warrant~~ a public assistance payment is delayed because of changes in circumstances not related to continuing eligibility or to the correctness of grant, the county shall immediately take whatever action is necessary to determine the changed circumstances and issue the payment at the earliest possible date. (Continued)

.2 Factors Causing Delay in Payment (Continued)

- .24 Death of a recipient -- when reissuance of the warrant or payment is appropriate but not possible until the person entitled to the warrant or payment is determined under Probate Law, the limitations specified in .11 and .12 above are not applicable (see Handbook Sections ~~25-310.3 and~~ 25-520.7).
- .25 The complete CAW 7 (see Section 40-181.241) is received after the tenth day prior to the end of the report month regardless of good cause - the first warrant shall be mailed or electronic fund transfer made in accordance with Section ~~44-305.221a or~~ 44-305.222a231.
- .26 Electronic Fund Transfer Accounts -- If the direct deposit electronic fund transfer was incomplete due to, but not limited to, closed account, the failure of the direct deposit electronic fund transfer, or the payment inadvertently went to the wrong account, the county shall immediately take whatever action is necessary at the earliest possible date.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11006.2, Welfare and Institutions Code.

Amend Section 80-310c. to read:

80-310      DEFINITIONS - FORMS

80-310

The following forms apply to the regulations in Divisions 40 through 50 and 80 through 89.  
(Continued)

c.      (Continued)

(12) CW 7

The “Monthly Eligibility Report” (Rev. 7/00) is used to collect information for cash aid and food stamps. The CW 7 replaces the CA 7.

(~~12~~) through (~~14~~) renumbered to (13) through (15) (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference:      45 CFR 206.10(a)(8); Sections 10553, 10950, 11054, 11450(b), 12300, 12300.2, 12304, 12304.5, and 14132.95, Welfare and Institutions Code, and Judgment Re: Tyler v. Anderson, Sacramento Superior Court Case No. 376230, dated January 22, 1999.